

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States District Court
Southern District of Texas
FILED

AUG - 9 2000

Michael N. Milby, Clerk

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

NATIONWIDE HOUSING SYSTEMS,
INC.,

Defendant.

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CIVIL ACTION NO.
CA-00-125

DEFENDANT'S INITIAL DISCLOSURES

TO: The Equal Employment Opportunity Commission, Plaintiff, by and through its attorney of record, R. Chris Pittard, Esq., EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, San Antonio District Office, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229-3555.

COMES NOW Nationwide Housing Systems, Inc. (hereinafter collectively referred to as "Nationwide"), Defendant in the above-entitled and numbered cause, and, pursuant to Rule 26 of the Federal Rules of Civil Procedure and the Scheduling Order, files this its Initial Disclosures, stating as follows:

I.

INDIVIDUALS WITH RELEVANT KNOWLEDGE

The following are the names and, if currently known, the addresses and telephone numbers of individuals believed to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including a statement of the subjects of the information known:

- a. Mr. James W. Stovall
Route 7, Box 860
Livingston, Texas 77351
(936) 639-9388

Mr. Stovall is the Plaintiff in this action. Nationwide believes that he has knowledge concerning all aspects of his

employment as a Sales Representative at Nationwide's sales center in Corpus Christi, Texas; the factual basis for his discrimination claim in this suit; and his alleged damages.

- b. Mr. Chester ("Chet") Kearney
Current Address Unknown
(830) 606-5263

Mr. Kearney was the Regional Vice President with responsibility for the Corpus Christi sales center during the relevant time period. Nationwide believes that he has knowledge concerning Plaintiff's employment with Nationwide, including Plaintiff's performance and qualifications; Plaintiff's participation in the management training program; Plaintiff's resignation from Nationwide and subsequent re-hiring; the search for a candidate to replace Mr. Rudd after his resignation; the circumstances surrounding and bases for John Winniford's selection as General Manager; the information communicated to employees concerning the new General Manager; and the age-related comment allegedly made by Mr. Kearney.

- c. Mr. Nathan Daniel Rudd
6127 Saddler Lane
Austin, Texas 78724
(512) 928-4900

Mr. Rudd was the General Manager of the Corpus Christi sales center during Plaintiff's employment with Nationwide until Mr. Rudd resigned in May 1997. Nationwide believes that he has knowledge concerning Plaintiff's employment with Nationwide, including Plaintiff's performance and qualifications; Plaintiff's participation in the management training program; Plaintiff's resignation from Nationwide and subsequent re-hiring; the circumstances surrounding and bases for the selection of John Winniford as General Manager; the information communicated to employees concerning the new General Manager; and the age-related comment allegedly made by Chet Kearney.

- d. Mr. John Winniford
Current Address and Telephone Number Unknown

Mr. Winniford worked as a Sales Manager for Nationwide and was promoted to General Manager of the Corpus Christi sales center in June 1997. Nationwide believes that he has knowledge concerning his employment with Nationwide, including his experience, performance and qualifications; and the circumstances surrounding his promotion to General Manager.

- e. Mr. Sam Rice
NATIONWIDE HOUSING SYSTEMS, L.P.
2450 South Shore Boulevard
Suite 300
League City, Texas 77573
(281) 334-9700

Mr. Rice was the Division President with responsibility for the Corpus Christi sales center during the relevant time period. Nationwide believes that he has knowledge concerning Plaintiff's employment with Nationwide, including Plaintiff's performance and qualifications; the search for a candidate to replace Danny Rudd after his resignation; and the circumstances surrounding and bases for John Winniford's selection as General Manager

- f. Ms. Cheri Cleveland
NATIONWIDE HOMES
1574 North Padre Island Drive
Corpus Christi, Texas 78408
(361) 289-8201

Ms. Cleveland worked as the Office Manager at the Corpus Christi sales center during the relevant time period. Nationwide believes that she has knowledge concerning Plaintiff's employment with Nationwide; Mr. Rudd's resignation as General Manager; the information communicated to employees concerning the new General Manager; and the age-related comment allegedly made by Chet Kearney.

- g. Mr. Mike Finch
Current Address Unknown
(361) 992-1534

Mr. Finch performed contract service work for Nationwide at the Corpus Christi sales center during the relevant time period. Nationwide believes that he has knowledge concerning Plaintiff's employment with Nationwide; Mr. Rudd's resignation as General Manager; the information communicated to employees concerning the new General Manager; and the age-related comment allegedly made by Chet Kearney.

- h. Ms. Billie Rolando
Current Address Unknown
(907) 376-8141

Ms. Rolando worked with Plaintiff at the Corpus Christi sales center during the relevant time period. Nationwide believes that she has knowledge concerning Plaintiff's employment with Nationwide; Mr. Rudd's resignation as General Manager; the information communicated to employees concerning the new General Manager; and the age-related comment allegedly made by Chet Kearney.

- i. Mr. Albert Orta
3538 Austin
Corpus Christi, Texas 78411
(512) 855-7521

Mr. Orta worked with Plaintiff at the Corpus Christi sales center during the relevant time period. Nationwide believes that he has knowledge concerning Plaintiff's employment with Nationwide; Mr. Rudd's resignation as General Manager; the information communicated to employees concerning the new General Manager; and the age-related comment allegedly made by Chet Kearney.

- j. Mr. Russell Montgomery
6529 Kodiak
Corpus Christi, Texas 78414
(361) 993-1914

Mr. Montgomery worked with Plaintiff at the Corpus Christi sales center during the relevant time period. Nationwide believes that he has knowledge concerning Plaintiff's employment with Nationwide; Mr. Rudd's resignation as General Manager; the information communicated to employees concerning the new General Manager; and the age-related comment allegedly made by Chet Kearney.

- k. Mr. Roberto Coronado
Investigator
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Antonio District Office
5410 Fredericksburg Road
Suite 200
San Antonio, Texas 78229
(210) 281-7600

Mr. Coronado was the Equal Employment Opportunity Commission investigator assigned to Mr. Stovall's discrimination charge. Nationwide believes that Mr. Coronado has knowledge concerning the factual basis for Plaintiff's discrimination claim in this lawsuit; conciliation efforts by and between Plaintiff and Nationwide; and the settlement of this matter during the conciliation process.

II.

RELEVANT DOCUMENTS

Nationwide will make available for inspection and copying all documents, data compilations, and tangible things in its

possession, custody and control that are relevant to disputed facts alleged with particularity in the pleadings, including the following:

- a. Personnel records of James Stovall;
- b. Excerpts from the personnel records of John Winniford;
- c. Sales records of James Stovall;
- d. Sales records of John Winniford; and
- e. Investigative file received from the Equal Employment Opportunity Commission.

III.

DAMAGES CALCULATION

Nationwide has not asserted a claim for affirmative relief against Plaintiff but hereby reserves the right to do so within the time limits established by the Court.

IV.

INSURANCE AGREEMENT

There is no insurance agreement under which any insurer may be liable to satisfy part or all of a judgment that may be entered against Nationwide in this action or to indemnify or reimburse Nationwide for any payments made to satisfy such judgment.

V.

The above disclosures are based upon the information now reasonably available to Nationwide; however, Nationwide has not completed its investigation of the facts in this case and reserves the right to amend, change, or supplement the above information as required by the rules of procedure and by any order entered by the Court.

Respectfully submitted,

By: *Paula Hernandez (with permission)*

William O. Ashcraft, Esq.

Attorney-in-Charge

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Anita M. Alessandra, Esq.

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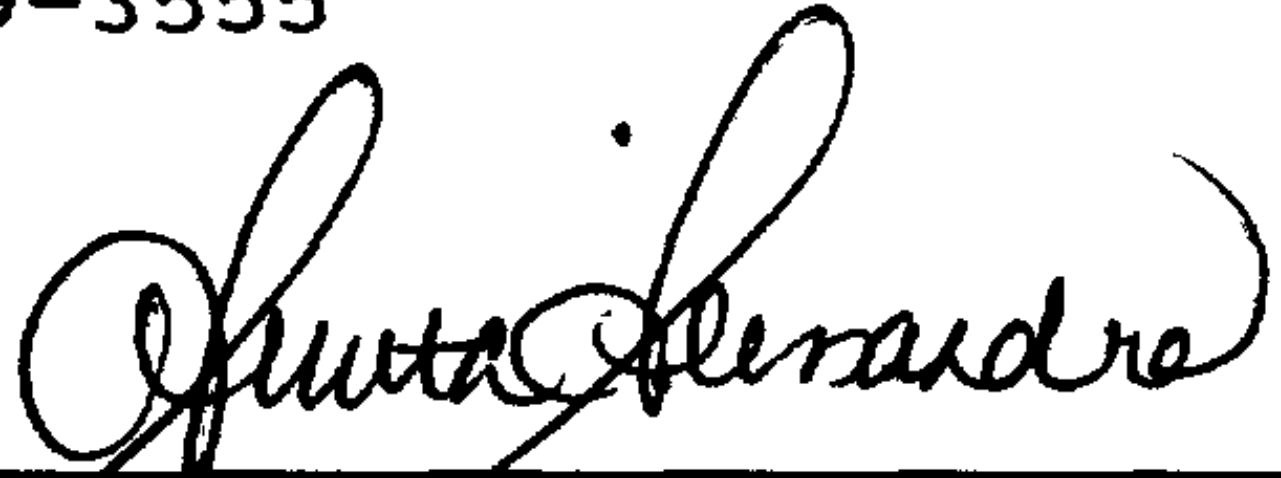
ATTORNEYS FOR DEFENDANT

NATIONWIDE HOUSING SYSTEMS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Defendant's Initial Disclosures was served by certified mail, return receipt requested, upon counsel of record for Plaintiff on this 8th day of August 2000, as follows:

R. Chris Pittard, Esq.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Antonio District Office
5410 Fredericksburg Road, Suite 200
San Antonio, Texas 78229-3555



Anita M. Alessandra